IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Crl.Misc.No.66679-M of 2006

DATE OF DECISION: NOVEMBER 21, 2006

Ajit Singh

...PETITIONER

VERSUS

The State of Haryana

...RESPONDENT

CORAM: HON'BLE MR.JUSTICE SATISH KUMAR MITTAL

Present: Mr. Arun Yadav, Advocate,
for the petitioner.
Mr.Partap Singh, Sr.DAG, Haryana.

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Petitioner Ajit Singh has filed this petition under Section 439 Cr.P.C. for grant of regular bail in case FIR No.185 dated 23.8.2006 registered under Sections 394/34 IPC at Police Station Model Town, Rewari.

I have heard the counsel for the parties and gone through the contents of the FIR as well as order dated 9.10.2006 passed by Additional Sessions Judge, Rewari, vide which bail has been declined to the petitioner.

The aforesaid FIR has been registered on the statement of complainant Anil Parkash. In the FIR, it has been alleged that on 22.8.2006, he and his mother Smt. Saraswati Devi had withdrawn an amount of Rs.30 lacs from their joint account in State Bank of India, Rewari. After keeping an amount of Rs.5.00 lacs at his house, he had taken an amount of Rs.25.00 lacs along with one Jogender and they had gone to village Kanina for purchase of land. After the deal, when he was returning in a maruti car, he received a telephonic message from petitioner Ajit Singh. Thereafter, he

went to a place near Kaushal Hospital along with said Jogender where co-accused Manish, Pawan and Azad were present. It is the case of the complainant that at that time he was carrying an amount of Rs.5,07,000/- in his bag. It is further the case of the complainant that thereafter all of them consumed liquor and after some time all the four accused started beating him and thereafter the petitioner snatched his bag containing some amount and the documents pertaining to the deal of the land. Then, the matter was reported to the police.

Counsel for the petitioner contends that all the allegations levelled in the aforesaid FIR are totally false. The petitioner is son of the real cousin sister of the complainant, namely, Smt.Om Wati. Counsel for the petitioner contends that actually there was a dispute between the petitioner and the complainant's mother about compensation in the land acquired by the State. A cheque of Rs.7,64,031/- was issued in favour of mother of the petitioner which was deposited by her in the bank. Due to this, the complainant was angry and had pressurized the mother of the petitioner many times to get the said amount and threatened the petitioner and his mother to falsely implicate them in a false case. Counsel contends that the story given by the complainant is highly improbable. Counsel further contends that co-accused Pawan and Manish have been granted regular bail by the trial Court. The petitioner is in custody since 24.8.2006 and the trial is not going to conclude soon.

Counsel for the respondent-State has not disputed the close relations between the parties and has also not controverted the averments made by the petitioner with regard to the dispute between the parties about their ancestral land which was acquired by H.U.D.A. However, he submits

that keeping in view the nature of allegations, bail should not be granted to the petitioner.

Keeping in view the aforesaid facts and the fact that the parties are closely related, without expressing any opinion on the merits of the case, I deem it appropriate to grant regular bail to the petitioner, and he is accordingly ordered to be released on bail to the satisfaction of the trial Court.

November 21, 2006 (SATISH KUMAR MITTAL)
vkg JUDGE